पर्यावरण आघात मुल्यांकन अधिसूचना, २००६ च्या प्रभावी अंमलबजावणीबाबत...

महाराष्ट्र शासन
पर्यावरण व वातावरणीय बदल विभाग
शासन परिपत्रक क्रमांकः SEIAA-२०२२/प्र.क्र. ३०/SEIAA
नवीन प्रशासकीय इमारत, १५ वा मजला
मंत्रालय, मुंबई - ३२.
दिनांक - १२.०४.२०२३.

शासन परिपत्रक

मा. राष्ट्रीय हरित लवाद, पश्चिम खंडपीठ, पुणे यांनी मुळ अर्ज क्र. १३/२०२१ आणि मुळ अर्ज क्र. १४/२०२१ मध्ये दिलेल्या आदेशानुसार,राज्यस्तरीय पर्यावरण आघात मुल्यांकन प्राधिकरणाच्या कार्यपद्धतीचे मुल्यांकन करून पर्यावरण आघात मुल्यांकन अधिसूचना, २००६ च्या प्रभावी व परिणामकारक अंमलबजावणीकरिता मार्गदर्शक सूचना निर्गमित करण्याची बाब शासनाच्या विचाराधीन होती. मा. राष्ट्रीय हरित लवादाच्या आदेशाच्या अनुषंगाने, पर्यावरण आघात मुल्यांकन अधिसूचना, २००६ च्या प्रभावी व परिणामकारक अंमलबजावणीकरिता प्रमाणित संचलन प्रक्रिया (Standard Operating Procedure) सोबत जोडलेल्या परिशिष्टाप्रमाणे निर्गमित करण्यात येत आहे.

पर्यावरण आघात मुल्यांकन अधिसूचना, २००६ च्या प्रभावी व परिणामकारक अंमलबजावणीकरिता सर्व प्रशासकीय विभागांनी त्यांच्या अधिपत्याखालील स्थानिक स्वराज्य संस्था/ नियोजन प्राधिकरणे यांना सदर प्रमाणित संचलन प्रक्रियेचे (Standard Operating Procedure) काटेकोरपणे पालन करण्याबाबत सूचित करावे.

सदर परिपत्रक महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आले असून त्याचा संकेताक २०२३०४१३१३१९३१७६०४ असा आहे. हे परिपत्रक डिजीटल स्वाक्षरीने साक्षांकित करुन काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

VIJAY SUDHAKAR PATIL

Digitally signed by VIJAY SUDHAKAR PATIL
DN: CN = VIJAY SUDHAKAR PATIL, C = IN, S = Maharashtra, O = GOVERNMENT OF MAHARASHTRA, OU = ENVIRONMENT AND CLIMATE CHANGE DEPARTMENT
Date: 2023.04.13 13:25:18 +05'30'

(विजय पाटील)
कक्ष अधिकारी, महाराष्ट्र शासन

प्रत,

१. मा. राज्यपालांचे सचिव.
२. मा. मुख्यमंत्र्याचे प्रधान सचिव.

३. मा. उप मुख्यमंत्र्याचे प्रधान सचिव
४. सर्व विभागीय आयुक्त.
५. सर्व महानगरपालिका आयुक्त
६. महानगर आयुक्त, मुंबई महानगर क्षेत्र विकास प्राधिकरण, मुंबई
७. मुख्य कार्यकारी अधिकारी तथा उपाध्यक्ष, म्हाडा, मुंबई.
८. मुख्य कार्यकारी अधिकारी, महाराष्ट्रऔद्योगिक विकास महामंडळ, मुंबई.
९. मुख्य कार्यकारी अधिकारी, झोपडपट्टी विकास प्राधिकरण, मुंबई.
१०. महानगर आयुक्त, पुणे महानगर क्षेत्र विकास प्राधिकरण, पुणे
११. महानगर आयुक्त, नागपूर महानगर क्षेत्र विकास प्राधिकरण, नागपूर
१२. व्यवस्थापकिय संचालक तथा उपाध्यक्ष, महाराष्ट्र राज्य रस्ते विकास महामंडळ, मुंबई
१३. सदस्य सचिव, महाराष्ट्र प्रदूषण नियंत्रण मंडळ,मुंबई
१४. सर्व जिल्हाधिकारी
१५. मा. सर्व मंत्री / मा. राज्यमंत्री यांचे खाजगी सचिव.
१६. शासनाचे मा. मुख्य सचिव/ सर्व अप्पर मुख्य सचिव / प्रधान सचिव / सचिव यांचे खाजगी सचिव
१७. निवडनस्ती.

Standard Operating Procedure (SOP)

1. Hon'ble NGT in OA 13 of 2021 (Shashikant Vithal Kamble Versus M/s. Key Stone Properties & Ors.) and OA No. 14 of 2021 has observed that "------ *it will be appropriate to require the SEIAA, Maharashtra to review its working in the light of the judgments of the Hon'ble Supreme Court and violations frequently being alleged, including the present case. A proper SOP be laid down for grant of EC in such cases so as to address the gaps in binding law and practice being currently followed. The MoEF may also consider circulating such SOP to all SEIAAs in the country.*"
2. Current SEIAA Maharashtra, constituted vide MoEF&CC Notification S.O. 107(E) dated 11.01.2021 reviewed its working and came up with following SOP& Good Practises to be uniformly followed in all cases.
3. **The current SEIAA, Maharashtra took due note of the concerns raised by Hon'ble NGT about constructions done on site without prior Environment Clearance and is of the firm belief that, all efforts must be diligently made to ensure that the EIA Notification, 2006 is observed in all cases wherever it is applicable.**
4. **SEIAA, Maharashtra noted that, in order to achieve the mandate of ensuring strict observance of EIA Notification, 2006 effective coordination between Local Planning Authority/Competent Authority , SEIAA, State Pollution Control Board and Central Pollution Control Board is necessary, for each plays a critical role well defined by Notifications/ Office Memorandums under Environment (Protection) Act, 1986 and Notification/ Development Control Regulations under Maharashtra Regional Town Planning Act.**

A. Detection of violation on ground is the Primary Responsibility of Local Planning Authority/ Competent Authority-

I. Local Planning Authority/ Competent Authority is the main authority entrusted with the responsibility of ensuring all development is carried out as per Maharashtra Regional and Town Planning Act, 1966, and various Development Control Regulations (DCR) issued thereunder.

II. Local Planning Authority/ Competent Authority is entrusted with the responsibility of issuing IOA/ IOD / Concession report before giving

Commencement Certificate only after due compliance of DCR and various notifications.

III. Local Planning Authority/ Competent Authority is expected to observe the entire process of Building Construction and site development right from issuing IOD/IOA/ Concession Report, Commencement Certificate to Plinth Checking Certificate, to Slab Checking Certificate **at each slab** to Completion Certificate and final Occupation Certificate (OC). It is thus being reiterated that the entire responsibility of ensuring Town and country planning mandate /DCR and related conditions of EC is with the Local Planning Authority / Competent Authority.

IV. It is expected that the Local Planning Authority/ Competent Authority will not issue Commencement Certificate / Completion Certificate to projects where EIA Notification 2006 is applicable unless the said notification is complied with.

V. It is respectfully submitted that the primary responsibility for ensuring compliance of EIA Notification, 2006 therefore lies with the Local Planning Authority/ Competent Authority as they are feet on the ground as elaborated in point 1, 2, 3 & 4 above.

VI. **In order to reiterate primary responsibility of Local Planning Authority / Urban Local Bodies Circular instructions are being issued by Department of Environment and Climate Change Government of Maharashtra.**

SOP for Local Planning Authority/Competent Authority

a) **Stage of Commencement Certificate-** At the time of granting Commencement Certificate to construction projects where EIA Notification, 2006 is applicable, the authority concerned, should verify whether prior Environmental Clearance has been granted. If Authority comes across any violation, Commencement Certificate should not be given unless the project has received valid prior EC bearing EC Identification Number. (ECs given after 20.10.2021 bear EC Identification Number) and the same to be brought to the notice of Regional Officer Maharashtra Pollution Control Board, who should initiate action in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986and also inform EC Co-ordination Cell/SEIAA.

b) **After grant of Commencement Certificate-** If violation is noticed at any stage of subsequent approval or inspection, such violation should be brought to the

notice of of Regional Officer Maharashtra Pollution Control Board, who should initiate action in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 and also inform EC Co-ordination Cell/SEIAA.

B. Role of SEIAA / SEAC

Mandate of SEIAA is to process Environmental Clearance as per EIA Notification 2006 and various OMs issued thereunder and judgements of Hon'ble NGT/ Hon'ble High Court and Hon'ble Supreme Court wherever applicable in projects which are submitted to SEIAA on PARIVESH

SOP followed by newly constituted SEIAA/SEAC, Maharashtra

a) All applications on PARIVESH portal are strictly considered 100 % online by the newly Constituted SEIAA, Maharashtra.

b) Newly Constituted SEIAA, Maharashtra considers all applications in chronological order.

c) In addition to mandatory form I, IA (for Fresh Proposals) and form IV (for 8 (b) Expansion proposals) on PARIVESH portal, SEIAA has developed separate Comprehensive Consolidated Statement (CS) for Building Construction Projects and Industry Projects which contains detailed information about the project. Each PP has to mandatorily present details in the Comprehensive Consolidated Statement (CS) before SEAC. (A copy of the Comprehensive Consolidated Statement (CS) is Annexed for ready reference)

d) SEAC/SEIAA requires following inputs from Local Planning Authority / Competent Authority-

I. Building Construction Projects-

i. PP is required to submit Certificate of approvability of project as per Town and Country Planning Rules issued by Local Planning Authority/ Competent Authority variously known as IOD, IOA, LOI, LOA, Concession report etc.

ii. PP also has to submit NOCs/ Clearances from Local Planning Authority/ Competent Authority for **Key Environment Considerations** such as

Sustainable Water Supply, Connectivity to Sewage network, Connectivity to Storm Water Drain, and fire safety NOC/ Clearance etc.

iii. PP is also expected to submit HRC NOC/ Clearance, Ministry of Defence NOC/ Clearance, Civil Aviation NOC/ Clearance, CRZ NOC/ Clearance, Wetland NOC/ Clearance, Eco-sensitive Zone Clearance etc. wherever applicable.

iv. In case of new projects, during presentation of project, Project Proponent is required to submit current goggle live image of the project (KML file) to ascertain site condition.

v. Similarly, in case of expansion of Building Construction Project, PP is required to submit a certificate from registered architect clearly stating that, construction initiated on site by PP at the time of SEIAA meeting is within the Built Up Area (BUA) and as per configuration of earlier Environment Clearance (EC). This is a mandatory condition which helps in verifying that construction on ground is as per the earlier EC.

II. For Industry Projects -

i. SEIAA has uniformly mandated provision of 33 % green belt within the plot boundary as per MoEF&CC Office Memorandum dated 09.08.2018. In certain MIDCs and especially in expansion cases it is not possible to provide 33 % green belt within the plot boundary, in such cases Project Proponent to provide the same in the vicinity.

ii. In case of new projects, during presentation of project, Project Proponent is required to submit current goggle live image of the project (KML file) to ascertain site condition.

III. Mining Projects-

i. In mining projects PP is required to submit approved mining plan from Director General of Mining and Geology. PP is also required to submit Cluster Development Certificate from District Mining Officer and Forest NOC, Irrigation NOC wherever applicable. PP also required to submit distance of proposed mining site from nearest human settlement, water body, public road, reserved forest etc.

ii. In case of new projects, during presentation of project, Project Proponent is required to submit current google live image of the project (KML file) to ascertain site condition.

e) SEIAA Maharashtra has established **SEIAA Co-ordination Cell and Legal Cell** to ensure effective implementation of EIA Notification 2006.

C. Role of State Pollution Control Board

All projects falling under the categories specified by CPCB (Green, Orange and Red) are required to obtain consent to establish (CTE) from SPCBs under Water (Prevention and Control) Act 1974 and Air (Prevention and Control) Act 1981. Thereafter consent to operate (CTO) from SPCBs is also required to be taken.

SOP for Maharashtra Pollution Control Board

a) **Grant of CTE-** It is directed that if any violation is noticed at the time of giving consent to Establish, the SPCB or concerned Regional Officer/Designated Officer, should take action in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 and also inform to EC Co-ordination Cell/SEIAA.

b) **Grant of CTO** – Similarly if any violation is noticed at the time of consent to Operate, the SPCB or concerned Regional Officer/Designated Officer, should take action in exercise of the powers conferred under Section 5 of the Environment (Protection) Act, 1986 and also inform to EC Co-ordination Cell/SEIAA.

5. It is expected that, observance of this SOP will facilitate effective and diligent coordination between, Local Planning Authority, SEIAA and Maharashtra Pollution Control Board ensuring that EIA Notification 2006 is effectively implemented.
6. SEIAA Maharashtra would review the aforesaid SoP as and when required to ensure more effective compliance of EIA Notification 2006.

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